IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7286 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

BABUBHAI UMEDBHAI SODHA

Versus

MANAGING DIRECTOR

Appearance:

MR BIPIN P JASANI for Petitioner

MR PARESH UPADHYAY for Respondent No. 1

NOTICE SERVED for Respondent No. 2, 3, 4

CORAM : MR.JUSTICE C.K.THAKKAR

Date of decision: 11/02/2000

ORAL JUDGEMENT

In this matter, Rule was issued on October 28, 1988 and

interim relief was granted. The matter has been called out for final hearing today.

The order which is impugned in the present petition was dated February 12, 1988. In the said order, it was mentioned that the petitioner was, at the relevant time, working as work-charge tubewell operator at Mehmedabad. He did not record use of water in the register for about 119 hours and thereafter, he failed to collect the amount of Rs. 13,609/- which was ordered to be recovered from his salary, by way of deposit. When the matter was placed for hearing, the learned Single Judge observed that no such order could have been passed which obviously adversely affected the petitioner, without affording opportunity of hearing and without coming to the conclusion that there was negligence or default on the part of the petitioner.

More than ten years have passed. It is also not clear as to whether any action was taken in pursuance of the alleged negligence on the part of the petitioner, by the authorities. In my opinion, therefore, the petition deserves to be disposed of by quashing and setting aside the order and by making Rule absolute. It is,however, clarified that if the authorities want to take any appropriate action in accordance with law, disposal of this petition will not come in the way of the authorities. Rule made absolute. No order as to costs.

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parekh